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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

8 United States of America,

CR 15-1723-TUC-RCC (DTF)

9 Plaintiff,

ORDER

10 vs.

11 Lonnie Ray Swartz,

12 Defendant.

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14 The Court has received and reviewed the Government's Motion in Limine to
15 Preclude Other Agents' Testimony Concerning Drug Smuggling and Rockings (Doc.
16 298). At the outset, the Government, on page 2 of its motion, has elicited 14 separate
17 bullet points of evidence they wish to preclude. The Court will use those bullet points for
18 the format of its ruling, with the Court having added numbers from 1 to 14. The Court
19 finds the following bullet points are relevant and admissible:

20 Number 1.

21 Number 3.

22 Number 4.

23
24 Number 5, to the extent that agents can testify about rocks being deadly weapons
25 and that they have been shown graphic photographs. The details of those photographs
26 will not be admissible. Agents can indicate if they have had rocks thrown at them or not
27 but they will not be able to specifically detail those instances.
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1 Numbers 9 and 10, to the extent that they only talk about rocks, are admissible.


2 With regard to Number 11, agents may testify that on occasion drug smugglers
3 can be violent and more aggressive to avoid arrest or losing their load.

4 Agents may also testify when they believe, based upon their training, it is
5 appropriate to use lethal force during a rocking, which is covered by Numbers 13 and 14.

6 The Court has additionally considered the Defendant's Motion to Compel
7 Disclosure (Doc. 301) and the Government's Motion to Reconsider contained within the
8 Government's Response to Motion to Compel Disclosure of .Max Files (doc. 302) and
9 will rule that if all relevant information has been provided, as the Government claims it
10 has been, the .Max files need not be disclosed.

11 With regard to the Defendant's Motion to Reconsider Denial of Motion for
12 Witness Deposition (sealed Doc. 321), the Court finds that the defense has still failed to
13 meet its burden to show that the witness will not appear to testify or cannot appear to
14 testify.

15 Dated this 1st day of March, 2018.
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Honorable Raner C. Collins
Chief United States District Judge